THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7632 of 2007

Date: 13.04.2007

Between:

M/s. Kedia Vanaspathi Limited.

....Petitioner

And

The Central Power Distribution Company Limited and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7632 of 2007

O R D E R:

The petitioner is a H.T. Consumer with Service Connection No.HDS-233 at Mir Alam Tank Road, Hyderabad. On account of the fact that it became not feasible for them to continue the industry, they have decided to close it and accordingly, requested the respondents, to disconnect the power supply. After some correspondence, the respondents informed the petitioner, through letter, dated 27.04.2006, that its request cannot be acceded to, on the ground that in relation to a pilferage case, C.C.C.A.No.36 of 1995 is pending, involving a sum of Rs.9,94,143/-, and that a sum of Rs.25,755/- is to be paid towards penalties. The petitioner challenges the action of the respondents.

Sri Nagarjuna Babu, the learned counsel for the petitioner submits that there is a security deposit, for a sum of Rs.18,87,050/-, with the respondents and if they are so particular, a sum of Rs.9,94,143/- can be withheld,

after disconnection. He contends that the petitioner is not liable to pay the penalty of Rs.25,755/-, in view of the orders passed by this Court in W.P.No.515 of 1998.

Learned Standing Counsel for the respondents, on the other hand, submits that unless the pending cases are decided in one way or the other, the power supply cannot be disconnected.

According to the terms and conditions of agreement, the power supply is to be disconnected, within three months from the date, on which the consumer makes a request. The respondents have stated two reasons, for not acceding to the request of the petitioner, which are already referred to above. Though the pending cases are to be decided on their own merits, the interests of the respondents can be protected, by directing that the amount covered by C.C.C.A.No.36 of 1995 can be deducted from the security deposit, made by the petitioner. So far as the penalty of Rs.25,755/- is concerned, through its order in W.P.No.515 of 1998, this Court held that the petitioner is not liable to pay the same.

For the foregoing reasons, the Writ Petition is disposed of, directing the respondents to disconnect the power supply within two (2) weeks from today, by withholding a sum of Rs.9,94,153/- from the security

deposit made by the petitioner. In case, the security deposit is less than Rs.9,94,153/-, the petitioner shall be liable to make good the same. There shall be no order as to costs.

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13.04.2007

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